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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/027,754	12/21/2001	Lucio Pieroni	AA510	3766

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EXAMINER

SPISICH, MARK

ART UNIT PAPER NUMBER

1744

DATE MAILED: 02/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/027,754

Applicant(s)

PIERONI ET AL.

Examiner

Mark Spisich

Art Unit

1744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 December 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>8/03 and 6/02</u> . | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### *Priority*

Page 1 must be amended to include a mention of prior provisional application 60/257,842, as priority under 119(e) is claimed.

### *Drawings*

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the plural dispensing chambers and associated orifices (claim 5) must be shown or the feature(s) canceled from the claim(s). **No new matter should be entered.**

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-4, 13 and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Knight (USP 6,170,108). The patent to Knight discloses a hand-held scrubbing device (10) comprising a waterproof (column 2, lines 62-64) casing (33) including a

Art Unit: 1744

motor (column 2, line 5), battery (38), dispensing chamber (44) including a soap, a dispensing orifice (46), a dispensing activator (61) joined to a dispensing mechanism (column 4, lines 1-13) and a scrubbing surface (47) joined to the motor.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-8, 10, 11 and 13-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Madison (USP 5,423,102) in view of Fry et al (USP 4,724,563). The patent to Madison discloses a hand-held scrubbing device (10) comprising a casing (12), motor (20), battery (54), dispensing chamber (84) including a cleaning fluid (F), a dispensing orifice (90) joined to a dispensing mechanism and a dispensing activator (38) and a scrubbing surface (eg, 74) joined to the motor. The patent to Madison discloses that the cleaning device is used with a cleaning fluid but fails to state that the housing is "waterproof". This concept of providing a waterproof or water tight housing is well known in the art and is taught by Fry (see column 4, lines 25-26). It would have been obvious to one of ordinary skill to have modified the device of Madison as taught by Fry to minimize the chance of water or cleaning fluid damaging the contents of the casing. The patent to Madison also discloses the scrubbing surface being coupled to a pivoting portion (16) (claim 8). With regard to claim 7, the patent to Madison discloses a re-charging port (56) for connecting the device to a charging device. The use of a

charging stand is well known for re-charging battery-powered devices and would be obvious to one of ordinary skill to also facilitate storing of the device when not in use. With regard to claim 5, the provision of more than one fluid supply would amount to an obvious duplication of the essential working parts of the invention. One would deem it obvious to make the device as heavy or light as desired (claim 10) and one would also deem it obvious to make the device as quite as possible (claim 11). With regard to claims 15-17, the present applicant merely states that the cleaning solution would be chosen to match the article being cleaning and there is no suggestion that any of claims 15-17 define an otherwise novel cleaning composition. One of ordinary skill would deem it obvious to use any known cleaning fluid (F) in the reservoir (84) depending on the surface being cleaned.

6. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Madison (USP 5,423,102) and Fry et al (USP 4,724,563) as applied to claim 1 above, and further in view of Hart (USP 3,316,428). The prior art discloses the invention substantially as claimed with the exception of the vibration damper. The patent to Hart discloses the provision of rings (30,32) adjacent a motor (42). It would have been obvious to one of ordinary skill to have provided such as means to the device of Madison to dampen out unwanted vibrations.

7. Claims 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Starr (USP 3,396,417) in view of Fry et al (USP 4,724,563). The patent to Starr discloses a hand-held scrubbing device comprising a casing (10), motor (50), batteries (52a-52d), dispensing chamber (36), orifice (16), activator (40) and scrubbing surface (20). The

patent to Starr discloses the invention substantially as claimed with the exception of the casing being "waterproof". The basic provision of such a casing for a hand-held device is taught by Fry and it would have been obvious to one of ordinary skill to have modified the device of Starr as such so that the components therein would not be damaged.

8. Claims 3 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Starr (USP 3,396,417) and Fry et al (USP 4,724,563) as applied to claim 1 above, and further in view of Brown (USP 3,629,893). The patent to Starr discloses the invention substantially as claimed with the exception of the scrubbing surface being removable and impregnated. The patent to Brown also discloses a window cleaner and further wherein the cleaning surface (32) thereof is removable and may also contain a "cleaning solution, paste or the like" (column 2, lines 4-5). It would have been obvious to one of ordinary skill to have modified the device of Starr as such as they are each equivalent structures or surfaces for cleaning windows. The particular material (claim 12) would be obvious to one of ordinary skill.

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited patents are pertinent to battery-powered cleaning devices which include a fluid supply, with the exception of Gacuzana (impregnated), Aiyar (water tight housing) and Root et al ( submersible casing with pivoting portion).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Spisich whose telephone number is (571) 272-1278. The examiner can normally be reached on M-Th (6-3:30), Alternate Fri off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert J Warden can be reached on (571) 272-1281. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Mark Spisich  
Primary Examiner  
Art Unit 1744

MS